IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Mohan Lal. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 2346/2004

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Date of Order: February 02, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Kailash Khatri, for the petitioner.
Mr. Rameshwar Dave, Deputy Govt. Advocate.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to pay interest on the amount of Gratuity amounting to Rs.82,800/- @ 24% per annum from the date of his retirement, i.e. 30-6-2000.

I have heard learned counsel for the parties.

It is contended by the learned counsel for the petitioner that the petitioner retired on 30-6-2000 and thereafter the respondent failed to pay the retiral benefits, more particularly the amount of Gratuity amounting to Rs.82,800/- which was ultimately paid on 17-5-2004. Learned counsel submits that in view of the Notification No.F.15 (3) FD (Rules)/

97-PLII dated 12-6-2001, the petitioner is entitled for interest @ 12% per annum on the delayed payment.

The said Notification provides that if the payment of retiral benefits has been authorised after 60 days from the date when its payment became due, and it is clearly established that the delay in payment was not on account of failure on the part of the Government servant to comply with the procedure laid down in this Chapter or elsewhere in these rules, interest @ 12% per annum for the period beyond 60 days after retiral benefits became due would be payable till the end of the month preceding the month in which the retiral benefits are authorised.

This Notification was subsequently modified by the State Government by G.S.R. 2 in exercise of the powers confered by the proviso to Article 309 of the Constitution of India by the Governor of Rajasthan and sub-rule (2) thereof provides that if the payment of retiral benefits has been authorised after 60 days from the date when its payment became due, and it is established that the delay in payment was not on account of failure on the part of the Government servant in compliance of the procedure laid down in this Chapter or elsewhere in these rules, interest @ 9% per annum from the date retiral benefits became due would be payable till the end of the month preceding the month in which the retiral benefit are authorised. This came into force w.e.f. 7-6-2004, as stated by the counsel

for the parties.

Thus, in view of the Notifications referred herein-above, in my view, the petitioner is entitled for interest @ 12% per annum on the Gratuity amount of Rs.82,800/- w.e.f. 1-9-2000 to 30-4-2004.

In the result, the writ petition is allowed. The respondents are directed to pay interest to the petitioner on the Gratuity amount of Rs.82,800/- @ 12% per annum with effect from 1-9-2000 to 30-4-2004 and this exercise be completed within three months from the date of filing of a certified copy of this Court. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs